

Calendar No. 1027

91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-1023

JOHN BORBRIDGE, JR.

JULY 15, 1970.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 2834]

The Committee on the Judiciary, to which was referred the bill (S. 2834) for the relief of John Borbridge, Jr., having considered the same, reports favorably thereon, with an amendment, and recommends that the bill as amended do pass.

AMENDMENT

On page 1, in line 5, strike "\$1,639.61" and insert in lieu thereof "\$1,584.61".

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the amount to be paid to the claimant to that recommended by the U.S. Civil Service Commission.

STATEMENT

The U.S. Civil Service Commission has no objection to the bill as amended.

In its report to the committee on the claim, the Civil Service Commission has said:

The proposed legislation would relieve Mr. Borbridge of all liability for the repayment to the United States of the \$1,639.61 erroneously paid by the United States to move him, his dependents, and his household goods in 1967 from Juneau,

Alaska, to Anchorage, Alaska, to accept a civilian position with the Public Health Service.

Mr. Borbridge was hired by the Government for the position of native affairs officer with the Alaska Area Native Health Service of the Department of Health, Education, and Welfare at Anchorage, Alaska. The personnel or administrative officer who did the hiring advised Mr. Borbridge that he would be entitled to travel and transportation expenses for himself, his immediate family, and his household goods, and personal effects. Payment was later made by the Government for Mr. Borbridge's expenses incurred in moving from his place of residence in Juneau, Alaska, to his first post of duty in Anchorage, Alaska. Mr. Borbridge was subsequently advised that the payment was made in error and that he would be required to repay the Government.

On February 26, 1969, Mr. Borbridge filed a claim with the Comptroller General for repayment of the transportation expenses. On July 9, 1969, the Comptroller General, in claim No. Z-2379211, ruled that since Mr. Borbridge was not a Federal Government employee when he accepted the position with Public Health Service, and since the position of native affairs officer was not one for which the Civil Service Commission had determined a manpower shortage existed under 5 U.S.C. 5723, Mr. Borbridge was not entitled to payment of travel and transportation expenses to his first post of duty. The Comptroller General further stated that the Government was not bound by the negligence or erroneous acts of its officers or agents and that no authority existed to waive recovery of the erroneous payment.

It is evident that when Mr. Borbridge accepted the position with the Government he did so with the belief that he would incur no expenses in moving his family from their place of residence to his first post of duty. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require him to repay the Government under these circumstances would impose an unfair and unnecessary burden on him.

We have been informally advised by the Department of Health, Education, and Welfare that the proper amount of relief should be \$1,584.61 since Mr. Borbridge did not in fact use a \$55 authorization for air shipment of personal effects. The Commission would have no objection to the enactment of S. 2834 provided it is amended to grant relief of \$1,584.61.

The committee believes that the bill as amended is meritorious and recommends it favorably.

Attached and made a part of this report is a letter from the Civil Service Commission dated December 12, 1969.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., December 12, 1969.

HON. JAMES O. EASTLAND,
*Chairman, Committee on the Judiciary,
New Senate Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the Commission's views on S. 2834, a bill "for the Relief of John Borbridge, Jr."

The proposed legislation would relieve Mr. Borbridge of all liability for the repayment to the United States of the \$1,639.61 erroneously paid by the United States to move him, his dependents, and his household goods in 1967 from Juneau, Alaska, to Anchorage, Alaska, to accept a civilian position with the Public Health Service.

Mr. Borbridge was hired by the Government for the position of native affairs officer with the Alaska Area Native Health Service of the Department of Health, Education, and Welfare at Anchorage, Alaska. The personnel or administrative officer who did the hiring advised Mr. Borbridge that he would be entitled to travel and transportation expenses for himself, his immediate family, and his household goods and personal effects. Payment was later made by the Government for Mr. Borbridge's expenses incurred in moving from his place of residence in Juneau, Alaska, to his first post of duty in Anchorage, Alaska. Mr. Borbridge was subsequently advised that the payment was made in error and that he would be required to repay the Government.

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It is evident that when Mr. Borbridge accepted the position with the Government he did so with the belief that he would incur no expenses in moving his family from their place of residence to his first post of duty. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require him to repay the Government under these circumstances would impose an unfair and unnecessary burden on him.

We have been informally advised by the Department of Health, Education, and Welfare that the proper amount of relief should be \$1,584.61 since Mr. Borbridge did not in fact use a \$55 authorization for air shipment of personal effects. The Commission would have no

objection to the enactment of S. 2834 provided it is amended to grant relief of \$1,584.61.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission :

Sincerely yours,

J. E. JOHNSON,
Acting Chairman.

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